

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

STEVEN WAYNE BENDER,)
) Civil Action No. 05 - 998
Petitioner,)
)
v.) Chief Judge Donetta W. Ambrose /
) Magistrate Judge Lisa Pupo
JAMES WYNDER, Superintendent; THE) Lenihan
DISTRICT ATTORNEY FOR THE)
COUNTY OF FAYETTE; and the) Doc. No. 45
ATTORNEY GENERAL FOR THE)
COMMONWEALTH OF PENNSYLVANIA,)
)
Respondents.)

ORDER

Petitioner in this habeas corpus petition has now filed three requests for the Court to appoint an impartial medical examiner. In this third request, he appears to ask the Court to rule on his pending motions requesting a medical examination. However, the Court has ruled on both prior requests in its Order dated January 25, 2006.

For the same reasons as set forth in that Order,

IT IS ORDERED, this 24th day of April, 2006, that Petitioners Motion Requesting Status of Appointment of an Impartial Medical Examiner, Doc. No. 45, is **HEREBY DENIED**.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.1.3(B) of the Local

Rules for Magistrates. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

4-24-06
Date


Lisa Pupo Lenihan
United States Magistrate Judge

cc: Steven Wayne Bender
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